

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROBERT I. HANFLING, Chapter 11)
Trustee of the bankruptcy estates of ATG, Inc.)
and ATG Catalytics LLC,)

Plaintiff,)

v.)

C.A. No. 05-10077-RGS

EPSTEIN BECKER & GREEN, P.C.,)
et al.,)

Defendants.)

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff Robert I. Hanfling and defendant Epstein Becker & Green, P.C. (“EBG”)¹ hereby move jointly to amend the Scheduling Order (1) to allow the taking of one Phase I deposition after April 30, 2006, and (2) to continue by approximately three weeks the deadlines for summary judgment briefing. These two amendments to the existing Scheduling Order have become necessary as a result of a medical emergency in the family of a key witness, who had been scheduled for deposition on April 20, 2006. As grounds for their Joint Motion, the parties state:

1. On December 6, 2005, this Court allowed the parties’ joint motion to establish a scheduling order in this case that provided for phased discovery, in which certain liability issues would be considered separately and the remaining liability issues and all damages issue deferred until a second phase of discovery. The scheduling order for the Phase I discovery required all depositions to be completed by April 30, 2006 and required any Phase I summary judgment motion to be filed by May 15, 2006.

¹ The four individual defendants to this action, Messrs. Nagel, Preston, Berman, and Jacks, have reached agreements with the plaintiff to settle the claims against them and expect to seek dismissal shortly. Mr. Hanfling and EBG understand that the four individual defendants do not oppose the amendment sought by this motion.

2. The deposition of Carole Schwartz Rendon, formerly an attorney with defendant Epstein Becker & Green, P.C. (“EBG”), was noticed for Thursday, March 20, 2006. Both the plaintiff and EBG consider Ms. Rendon’s testimony on Phase I issues to be important. Ms. Rendon’s deposition was continued after Ms. Rendon notified counsel of a serious family medical emergency. The deposition has now been rescheduled for May 9, 2006.

3. Accordingly, the parties jointly request that the Court amend the Scheduling Order now in effect (1) to allow for the taking of Ms. Rendon’s deposition after the deadline for Phase I discovery has passed and (2) to amend the briefing schedule for Phase I summary judgment motions to enlarge the time needed to prepare summary judgment motions as a result of the rescheduling of the Rendon deposition. Ms. Rendon’s deposition is now scheduled for May 9, 2006, and the parties request that the Court reset the briefing schedule for summary judgment motions as follows:

	<u>Current Schedule</u>	<u>Requested Schedule</u>
Motions filed and served	May 15, 2006	June 7, 2006
Oppositions filed and served	June 15, 2006	July 7, 2006
Replies filed and served	July 1, 2006	July 21, 2006

4. The relief requested herein will not require the altering of any other dates scheduled in this matter. In particular, the Court has not set this matter down for a hearing of summary judgment motions or for trial.

WHEREFORE, the parties request that their Joint Motion to Amend Scheduling Order to allow for the taking of Ms. Rendon’s deposition after April 30, 2006 and to continue as set forth herein the briefing schedule for Phase I summary judgment motions be allowed.

ROBERT I. HANFLING, Chapter 11 Trustee of the
bankruptcy estates of ATG, Inc. and ATG Catalytics
LLC

By his attorney,

_____/s/ Robert M. Fleischer_____
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EPSTEIN BECKER & GREEN, P.C.

By its attorneys,

_____/s/ Paula M. Bagger_____
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Dated: April 25, 2006

CERTIFICATE OF SERVICE

I, Paula M. Bagger, hereby certify that I have this 25th day of April 2006 served a true copy of the foregoing upon all counsel of record, by first-class mail, postage prepaid.

Paula M. Bagger